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Clerk, U.S. Dist. Court
W. Dist. of N.C.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF NORTH CAROLINA

CHARLOTTE DIVISION

FILED
CHARLOTTE, N. C.

FEB 24 2006

U. S. DISTRICT COURT
W. DIST. OF N. C.

ELAINE L. CHAO,
Secretary of Labor,
U.S. Department of Labor,

Plaintiff,

vs.

BRENDA TRAWICK,

Defendant.

FILE NO.

3:06CV59-C

CONSENT JUDGMENT AND ORDER

Plaintiff, Secretary of Labor, United States Department of Labor, pursuant to her authority under Sections 502(a)(2) and 502(a)(5), 29 U.S.C. §§ 1132(a)(2) and 1132(a)(5), of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1001 et seq., ("ERISA") has filed a Complaint against Defendant Brenda Trawick, also known as Brenda Hamrick ("Trawick"). Defendant and the Secretary have agreed to resolve all matters in controversy in this action (except for the imposition by Plaintiff of any penalty pursuant to ERISA Section 502(1), 29 U.S.C. Section 1132(1), and any proceedings related thereto), and said parties do now consent to entry of a Judgment and Order by this Court in accordance herewith.

A. The Secretary's Complaint alleges that Defendant Trawick breached her fiduciary duties with respect to the Trawick

Artists Management, Inc. 401(k) Retirement Plan (the "Plan") by failing to discharge her duties under the Plan in violation of sections 403, 404 and 406 of ERISA, 29 U.S.C. § 1103, 1104 and 1106, as set forth in the Complaint.

B. Defendant Trawick hereby admits to the jurisdiction of the Court over her and over the subject matter of this action. Defendant admits that this Court has the authority to enforce this Order and that this Court is the most appropriate venue for any enforcement action which may be required as a result of this Order.

C. Defendant neither admits nor denies the allegations in the Complaint.

D. Defendant expressly waives any and all claims of whatsoever nature that she has or may have against the Secretary, or any of her officers, agents, employees, or representatives, arising out of or in connection with the filing, prosecution, and maintenance of this civil action or any other proceeding and investigation incident thereto.

E. This Order represents a complete settlement of all the Secretary's claims asserted in this action against Defendant Trawick, with the exception of any potential civil money penalties that may be assessed under Section 502(1) of ERISA, 29 U.S.C. § 1132(1). This Order is not binding upon any government agency other than the U.S. Department of Labor and only resolves

claims arising out of this action as between the Secretary and Defendant.

F. The Secretary and Defendant expressly waive Findings of Fact and Conclusions of Law and consent to the entry of this Order as a full and complete resolution of all claims and issues which were, or might have been, alleged in this action without trial or adjudication of any issue of fact or law raised in the Complaint.

Accordingly, it is **ORDERED ADJUDGED AND DECREED** that:

1. The Court has jurisdiction over the parties to this Order and the subject matter of this action and is empowered to provide the relief herein.

2. Defendant Trawick is hereby permanently enjoined and restrained from violating the provisions of Title I of ERISA.

3. Defendant Trawick is hereby permanently enjoined from acting as a fiduciary, trustee, agent, or representative in any capacity to any employee benefit plan, as defined by ERISA.

4. This Consent Judgment resolves all claims of Plaintiff's Complaint with the following exceptions:

a. This Judgment does not adjudicate or otherwise affect any potential civil money penalties that may be assessed under Section 502 (1) of the Act.

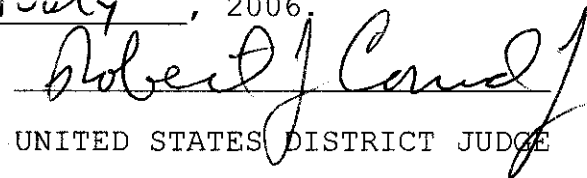
b. This Judgment does not affect or bind any

governmental agency other than the United States Department of Labor.

c. This Court retains jurisdiction for purposes of enforcing compliance with the terms of this Consent Order and Judgment.

5. Each party shall bear its own costs and expenses, including attorneys' fees, arising in connection with any stage of the above-referenced proceeding including but not limited to, attorneys' fees which may be available under the Equal Access to Justice Act, as amended.

This 21ST day of February, 2006.


UNITED STATES DISTRICT JUDGE

Defendant consents to entry of the foregoing Judgment:

BRENDA TRAWICK

By: 

BRENDA TRAWICK

Plaintiff moves entry of the foregoing Judgment:

HOWARD M. RADZELY
Solicitor of Labor

STANLEY E. KEEN
Regional Solicitor

By: 

THOMAS C. SHANAHAN
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